

# EXHIBIT F

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

GARFIELD ANTHONY WILLIAMS,

Plaintiff,

- against - Index No. 1:20-cv-5995

CITY OF NEW YORK, POLICE OFFICER OSCAR

HERNANDEZ, TAX ID NO. 96754; POLICE OFFICER

JOSEPH OTTAVIANO, TAX ID. NO. 963677,

DETECTIVE RUBEN LEON, BADGE NO. 4232,

Defendants.

-----x

\*REMOTE DEPOSITION\*

of one of the Defendants:

POLICE OFFICER OSCAR HERNANDEZ

HELD: FRIDAY, FEBRUARY 11, 2022

11:04 a.m. - 2:16 p.m.

CASE #: 564508

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

This is the ZOOM Deposition of one of the  
Defendants POLICE OFFICER OSCAR HERNANDEZ,  
taken pursuant to Order, held via ZOOM  
VIDEOCONFERENCING; said witness being duly  
sworn by and record reported via steno writer  
by MICHELLE TROY PARRISH, Certified Court  
Reporter and Certified Notary Public within  
and for the State of New York

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S:

\*\*ALL PARTIES APPEARED REMOTELY\*\*

LORD LAW GROUP PLLC  
Attorneys for Plaintiff  
14 Wall Street, Suite 1603  
New York, New York 10005  
718-701-1002  
BY: MASAI I. LORD, ESQ.  
Lord@nycivilrights.nyc

GEORGIA M. PESTANA  
CORPORATION COUNSEL OF THE CITY OF NEW YORK  
Attorneys for Defendants  
100 Church Street  
New York, New York 10007  
212-356-2384  
BY: WILLIAM T. GOSLING, ESQ.,  
ASSISTANT CORPORATION COUNSEL

1	I N D E X		
2	TO TESTIMONY		
3	WITNESS: POLICE OFFICER OSCAR HERNANDEZ		
4	EXAMINATION BY		PAGE(S)
5	MR. LORD		16
6	MR. GOSLING		197
7	TO EXHIBITS MARKED		
8	(1 - 4 & 7 & 8 attached to transcript;		
9	5 & 6 retained by counsel)		
10	PLAINTIFF'S	DESCRIPTION	PAGE
11	Exhibit 1	Police Accident Report	98
12		MV-104AN, Bates stamped	
13		D_00001 to D_00003,	
14		consisting of 3 pages;	
15		attached hereto	
16	Exhibit 2	NYPDPETS Property Clerk	111
17		Invoice, Invoice No.	
18		2000930421, Invoice Date	
19		12/15/2019, Bates stamped	
20		D_00004 to D_00006,	
21		consisting of 3 pages;	
22		attached hereto	
23	Exhibit 3	Arresting Officer's Report-	121
24		Intoxicated Driver Arrest,	
25		PD 271-152, IDTU Case No.	
		19-B-BX-116, Bates stamped	
		D_00023 to D_00026,	
		consisting of 4 pages;	
		attached hereto	
	Exhibit 4	Affidavit in Support of	144
		Declining/Deferring	
		Prosecution, Arrest Date:	
		12/15/2019, Bates stamped	
		D_00050 to D_00051,	
		consisting of 2 pages;	
		attached hereto	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X		
TO EXHIBITS MARKED		
(Cont'd)		
PLAINTIFF'S	DESCRIPTION	PAGE
Exhibit 5	Body cam video labeled AXON_BODY_2_VIDEO DEO_2019-12-15_0034;retained by counsel	159
Exhibit 6	Body cam video labeled 2019-12-15_01-50-16;retained by counsel	173
Exhibit 7	New York City Police Department Arrest Report B19649648, Bates stamped D_00016 to D_00019, consisting of 4 pages; attached hereto	189
Exhibit 8	Online prisoner arraignment document for Williams, Garfield, #B19649648, Bates stamped D_00014 to D_00015, consisting of 2 pages; attached hereto	195

1           REMOTE OATH BY REPORTER ACKNOWLEDGEMENT

2   The attorneys participating in this deposition  
3   acknowledge that the reporter is not  
4   physically present in the deposition room and  
5   that he/she will be reporting this deposition  
6   remotely. They further acknowledge that, in  
7   lieu of an oath administered in person, the  
8   reporter will administer the oath remotely,  
9   pursuant to Executive Order Number 202.7,  
10   issued by New York State Governor Andrew M.  
11   Cuomo on March 19, 2020. All parties and  
12   their counsel consent to this arrangement and  
13   waive any objections to this manner of  
14   reporting.

221. UNIFORM RULES FOR DEPOSITIONS

221.1 Objections at Depositions

a) Objections in general: No objections shall be made at a deposition except those which, pursuant to subdivision (b), (c) or (d) of Rule 3115 of the Civil Practice Law and Rules, would be waived if not interposed, and except in compliance with subdivision (e) of such rule. All objections made at a deposition shall be noted by the officer before whom the deposition is taken, and the answer shall be given and the deposition shall proceed subject to the objections and to the right of a person to apply for appropriate relief pursuant to Article 31 of the CPLR.

b) Speaking objections restricted: Every objection raised during a deposition shall be stated succinctly and framed so as not to suggest an answer to the deponent and, at the request of the questioning attorney, shall include a clear statement as to any defect in form or other basis of error or irregularity. Except to the extent permitted by CPLR Rule 3115 or by this rule, during the course of the examination, persons in attendance shall not



1           221. UNIFORM RULES FOR DEPOSITIONS

2       make statements or comments that interfere  
3       with the questioning.

4       221.2 Refusal to answer when objection is made

5       A deponent shall answer all questions at a  
6       deposition, except (i) to preserve a privilege  
7       or right of confidentiality, (ii) to enforce a  
8       limitation set forth in an order of the court,  
9       or (iii) when the question is plainly improper  
10      and would, if answered, cause significant  
11      prejudice to any person. An attorney shall  
12      not direct a deponent not to answer except as  
13      provided in CPLR Rule 3115 or this  
14      subdivision. Any refusal to answer or  
15      direction not to answer shall be accompanied  
16      by a succinct and clear statement of the basis  
17      therefor. If the deponent does not answer a  
18      question, the examining party shall have the  
19      right to complete the remainder of the  
20      deposition.

21      221.3 Communication with the deponent

22      An attorney shall not interrupt the deposition  
23      for purposes of communicating with a deponent  
24      unless all parties consent or communication is  
25      made for the purpose of determining whether

221. UNIFORM RULES FOR DEPOSITIONS

the question should not be answered on the grounds set forth in section 221.2 of these rules and, in such event, the reason for the communication shall be stated for the record succinctly and clearly.

IT IS FURTHER STIPULATED AND AGREED that the transcript may be signed before any Notary Public with the same force and effect as if signed before a clerk or a judge of the court.

IT IS FURTHER STIPULATED AND AGREED that the examination before trial may be utilized for all purposes as provided by the CPLR.

IT IS FURTHER STIPULATED AND AGREED that all rights provided to all parties by the CPLR cannot be deemed waived, and the appropriate sections of the CPLR shall be controlling with respect hereto.

IT IS FURTHER STIPULATED AND AGREED by and between the attorneys for the respective parties hereto that a copy of this examination shall be furnished, without charge, to the attorneys representing the witness testifying herein.

\* \* \* \* \*

1 Defendant POLICE OFFICER OSCAR HERNANDEZ  
2 THIS IS THE REMOTE ZOOM DEPOSITION OF POLICE  
3 OFFICER OSCAR HERNANDEZ, one of the Defendants  
4 herein, produced pursuant to ORDER, on FRIDAY,  
5 FEBRUARY 11, 2022, before MICHELLE TROY  
6 PARRISH, Certified Court Reporter and Notary  
7 Public in and for the State of New York  
8 herein.

9 \* \* \* \* \*

10 THE COURT REPORTER: The  
11 attorneys participating in this  
12 deposition acknowledge that I  
13 am not physically present in  
14 the deposition room and that I  
15 will be reporting this  
16 deposition remotely. They  
17 further acknowledge that, in  
18 lieu of an oath administered in  
19 person, the witness will be  
20 sworn in remotely by a New York  
21 notary and the witness verbally  
22 declared his testimony in this  
23 matter is underneath the  
24 penalty of perjury. The  
25 parties and their counsel

1 Defendant POLICE OFFICER OSCAR HERNANDEZ  
2 consent to this arrangement and  
3 waive any objections to this  
4 manner of reporting. Please  
5 indicate your agreement by  
6 stating your name and your  
7 agreement on the record.  
8 MR. LORD: Masai Lord for  
9 Plaintiff. We agree.  
10 MR. GOSLING: William  
11 Gosling for defendant. I  
12 represent Police Officer  
13 Hernandez. No objections.  
14 COURT REPORTER: Please  
15 raise your right hand.  
16 THE WITNESS: (The witness  
17 complied.)  
18 COURT REPORTER: Do you  
19 solemnly swear or affirm the  
20 testimony you give will be the  
21 truth under penalty of perjury?  
22 THE WITNESS: Yes.  
23 COURT REPORTER: Please  
24 state your name for the record.  
25 THE WITNESS: Oscar

1 Defendant POLICE OFFICER OSCAR HERNANDEZ  
2 Hernandez, H-E-R-N-A-N-D-E-Z.

3 COURT REPORTER: Please  
4 state your address for the  
5 record.

6 THE WITNESS: One Police  
7 Plaza, New York, New York  
8 10038.

9 \* \* \* \* \*

10 MR. LORD: Good morning,  
11 Officer Hernandez.

12 THE WITNESS: Good  
13 morning.

14 MR. LORD: Are you  
15 comfortable being called  
16 Officer Hernandez? Do you want  
17 me to refer to you as something  
18 else?

19 THE WITNESS: However you  
20 feel comfortable.

21 MR. LORD: My name is  
22 Masai Lord. I represent the  
23 Plaintiff, Garfield Anthony  
24 Williams, in relation to an  
25 incident that took place on or

1 Defendant POLICE OFFICER OSCAR HERNANDEZ

2 Q Have you received any  
3 training in the signs of  
4 intoxication related to a DWI?

5 A What do you mean?

6 MR. LORD: Withdrawn.

7 BY MR. LORD:

8 Q Have you received any  
9 training related to the Penal Law  
10 charge of driving while under the  
11 influence?

12 MR. GOSLING: Objection.

13 You can answer.

14 A Yes.

15 BY MR. LORD:

16 Q Did that training involve  
17 the signs of intoxication?

18 A Yes.

19 Q When did you receive that  
20 training?

21 MR. GOSLING: Objection.

22 You can answer.

23 A In the police academy.

24 BY MR. LORD:

25 Q Have you received any

1 Defendant POLICE OFFICER OSCAR HERNANDEZ

2 A Yes.

3 Q And at some time you  
4 responded to a radio run  
5 regarding an accident, is that  
6 what happened?

7 A Yes.

8 Q When you responded to that  
9 radio run regarding an accident,  
10 was it your understanding that  
11 your body camera had to be on?

12 A No, because the job wasn't a  
13 crime in progress.

14 Q So, we kind of touched on  
15 this briefly. When did you first  
16 hear of something that happened  
17 on December 14, 2019 regarding  
18 the subject matter of this  
19 lawsuit?

20 MR. GOSLING: Objection.

21 You can answer.

22 A Well, I was patrolling and I  
23 received a Central Dispatch job  
24 for a vehicle accident.

25

1 Defendant POLICE OFFICER OSCAR HERNANDEZ

2 A There was also the driver of  
3 the other vehicle.

4 Q So, what is the first thing  
5 you did when you arrived on the  
6 scene?

7 A When I arrive on scene, I  
8 speak to one of the ESU officers  
9 about what happened, what was  
10 going on.

11 Q And do you know the name of  
12 this ESU officer?

13 A No.

14 Q What was the content of the  
15 conversation with the ESU  
16 officer?

17 A About what was going on on  
18 the scene about this job.

19 Q What did he say to you?

20 A He mentioned that there was  
21 a vehicle accident and that the  
22 driver that was sitting in the  
23 back of one of the vehicles  
24 seemed to be impaired.

25 Q He said he seem to be



1 Defendant POLICE OFFICER OSCAR HERNANDEZ  
2 impaired?

3 A To be intox'd.

4 Q What did you do after  
5 hearing that information?

6 A I walked toward the car  
7 where the other driver was.

8 Q When you say -- Step back  
9 for a second. He told you that  
10 he appeared to be intoxicated.  
11 Did he say why?

12 A No.

13 Q Did he say that he smelled  
14 any alcohol?

15 A Not at the time.

16 Q So, you said you went to the  
17 car where he was sitting in the  
18 back seat, this individual?

19 A I walked towards that car,  
20 yes.

21 Q Do you know the name of the  
22 individual that he was talking  
23 about, this ESU officer?

24 A Not at the time.

25 Q Did you ever come to find

1 Defendant POLICE OFFICER OSCAR HERNANDEZ  
2 out that name?

3 A Yes.

4 Q What was his name?

5 A Garfield.

6 Q Did this ESU officer ever  
7 tell you that Garfield was  
8 represented by counsel?

9 MR. GOSLING: Objection.

10 You can answer.

11 A No.

12 BY MR. LORD:

13 Q So, what happens when you  
14 walk towards the car? What  
15 happens next?

16 A I was approached by a male  
17 in a Christmas sweater.

18 Q What did the male in the  
19 Christmas sweater say to you?

20 A He was saying that he was an  
21 attorney and that we couldn't  
22 speak to his client.

23 Q And what did you do with  
24 that information?

25 A I told him that we needed to

1 Defendant POLICE OFFICER OSCAR HERNANDEZ  
2 with the Christmas sweater.

3 Q I'm sorry, you can finish.

4 A Yes, who said that he was an  
5 attorney and that he didn't want  
6 us speaking to his client.

7 Q What happened after he told  
8 you that?

9 A I let him know that we need  
10 to know what happened, we need to  
11 start an investigation about what  
12 happened in this vehicle accident  
13 and how it happened and we need  
14 to know who was involved and we  
15 need to know their pedigree  
16 information.

17 Q So, what happened after you  
18 said that to the man in the  
19 Christmas sweater?

20 A He kept saying that we  
21 couldn't speak to him, to his  
22 client.

23 Q And what happened after he  
24 told you that?

25 A We -- I stayed there at that

1 Defendant POLICE OFFICER OSCAR HERNANDEZ  
2 vehicle. My partner was speaking  
3 to the driver of the other  
4 vehicle that was involved, and he  
5 comes over to me, we opened the  
6 door, the door opens, we see  
7 Garfield, and a female sitting in  
8 the driver's seat. Garfield was  
9 sitting in the back passenger  
10 seat. He faces us. I noticed  
11 that he had bloodshot eyes and  
12 watery eyes.

13 Q And then what do you do?

14 A He steps out the vehicle.  
15 My partner says that he is under  
16 arrest. We put him in handcuffs.  
17 I noticed that he had a moderate  
18 odor of alcohol coming from his  
19 breath. I see that he is  
20 swaying, imbalanced.

21 Q So, did you order him out of  
22 the vehicle?

23 A I don't recall.

24 Q When you say he got out of  
25 the vehicle, did he get out

REPORTER'S CERTIFICATION

I, MICHELLE TROY PARRISH, a Court  
Reporter and Notary Public certified in and  
for the State of New York, do hereby certify  
that I recorded stenographically the  
proceedings herein at the time and place noted  
in the heading hereof, and that the foregoing  
transcript is true and accurate to the best of  
my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto  
set my hand.

MICHELLE TROY PARRISH